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12 UNITED STATES OF AMERICA

13 UNITED STATES DISTRICT COURT

14 FOR THE CENTRAL DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 v.

18 JERRY NEHL BOYLAN,

19 Defendant.

No. CR 22-482-GW

STIPULATION REGARDING REQUEST FOR
(1) CONTINUANCE OF TRIAL DATE AND
(2) FINDINGS OF EXCLUDABLE TIME
PERIODS PURSUANT TO SPEEDY TRIAL
ACT

CURRENT TRIAL DATE: 12-20-2022
PROPOSED TRIAL DATE: 7-5-2023

21 Plaintiff United States of America, by and through its counsel
22 of record, the United States Attorney for the Central District of
23 California and Assistant United States Attorneys Mark A. Williams,
24 Matthew W. O'Brien, and Brian Faerstein, and defendant Jerry Nehl
25 Boylan ("defendant"), both individually and by and through his
26 counsel of record, Georgina Wakefield, Gabriela Rivera, and Julia
27 Deixler, hereby stipulate as follows:
28

1 1. The Indictment in this case was filed on October 18, 2022.
2 Defendant first appeared before a judicial officer of the court in
3 which the charges in this case were pending on November 10, 2022.
4 The Speedy Trial Act, 18 U.S.C. § 3161, originally required that the
5 trial commence on or before January 19, 2023.

6 2. On November 10, 2022, the Court set a trial date of
7 December 20, 2022.

8 3. Defendant is released on bond pending trial. The parties
9 estimate that the trial in this matter will last approximately two to
10 three weeks.

11 4. By this stipulation, defendant moves to continue the trial
12 date to July 5, 2023, and to continue the pretrial status conference
13 to June 22, 2023. This is the first request for a continuance.

14 5. The parties also request the following briefing schedule
15 for all motions other than motions in limine:

16 a. Motions: May 4, 2023.

17 b. Oppositions: May 18, 2023.

18 c. Replies: May 25, 2023.

19 d. Motions hearing: June 1, 2023.

20 6. Defendant requests the continuance based upon the following
21 facts, which the parties believe demonstrate good cause to support
22 the appropriate findings under the Speedy Trial Act:

23 a. Defendant is charged with a violation of 18 U.S.C.
24 § 1115, Misconduct or Neglect of Ship Officer. The government has
25 produced discovery to the defense, including over 320,000 pages of
26 documents, photos, and videos.

1 b. Defense counsel are scheduled to be in a number of
2 upcoming trials. Specifically, Ms. Wakefield is scheduled to be in
3 the following trials:

4 i. United States v. Sadigh, 2:15-CR-465-TJH, a two-
5 defendant securities fraud trial scheduled for February 28, 2022
6 (stipulation to continue forthcoming); and

7 ii. United States v. Wolfe, 22-CR-00322-JFW, a
8 single-defendant distribution of a controlled substance resulting in
9 death and possession of a controlled substance trial scheduled for
10 March 22, 2023 (stipulation to continue forthcoming).

11 c. Ms. Rivera is scheduled to be in the following trials:

12 i. United States v. Wilson, 20-CR-516-FMO, an
13 attempted arson case set for trial on January 24, 2023;

14 ii. United States v. Rosales-Soto, 20-CR-00024-TJH, a
15 two-defendant possession of methamphetamine with intent to distribute
16 case set for trial on February 14, 2023;

17 iii. United States v. Barnhart, 22-CR-00207-MCS, a
18 trial scheduled for February 21, 2023; and

19 iv. United States v. Stella, 21-cr-00338-GW, a trial
20 scheduled for March 7, 2023.

21 d. Ms. Deixler is scheduled to be in the following
22 trials:

23 i. United States v. Mneimne, 22-CR-00364-DSF, an
24 arms exportation trial scheduled for February 6, 2023 (stipulation to
25 continue forthcoming);

26 ii. United States v. Rosales Soto, 20-CR-24-TJH, a
27 two-defendant possession of methamphetamine with intent to distribute
28 trial scheduled for February 14, 2023;

1 iii. United States v. Scovotto, 22-CR-306-DSF, a trial
2 scheduled for February 28, 2023;

3 iv. United States v. Flores Jr., 22-CR-451-MEMF, a
4 firearm and possession of methamphetamine with intent to distribute
5 trial scheduled for March 6, 2023; and

6 v. United States v. Rundo, 18-CR-00759-CJC, a four-
7 defendant Anti-Riot Act trial scheduled for April 11, 2023.

8 e. Accordingly, all three defense counsel represent that
9 they will not have the time that they believe is necessary to prepare
10 to try this case on the current trial date.

11 f. In light of the foregoing, counsel for defendant also
12 represent that additional time is necessary to confer with defendant,
13 conduct and complete an independent investigation of the case,
14 conduct and complete additional legal research including for
15 potential pre-trial motions, review the discovery and potential
16 evidence in the case, and prepare for trial in the event that a
17 pretrial resolution does not occur. Defense counsel represent that
18 failure to grant the continuance would deny them reasonable time
19 necessary for effective preparation, taking into account the exercise
20 of due diligence.

21 g. Defendant believes that failure to grant the
22 continuance will deny him continuity of counsel and adequate
23 representation.

24 h. The government does not object to the continuance.

25 i. The requested continuance is not based on congestion
26 of the Court's calendar, lack of diligent preparation on the part of
27 the attorneys for the government or the defense, or failure on the
28

1 part of the attorneys for the Government to obtain available
2 witnesses.

3 7. For purposes of computing the date under the Speedy Trial
4 Act by which defendant's trial must commence, the parties agree that
5 the time period of December 20, 2022, to July 5, 2023, inclusive,
6 should be excluded pursuant to 18 U.S.C. §§ 3161(h)(7)(A),
7 (h)(7)(B)(i) and (h)(7)(B)(iv) because the delay results from a
8 continuance granted by the Court at defendant's request, without
9 government objection, on the basis of the Court's finding that: (i)
10 the ends of justice served by the continuance outweigh the best
11 interest of the public and defendant in a speedy trial; (ii) failure
12 to grant the continuance would be likely to make a continuation of
13 the proceeding impossible, or result in a miscarriage of justice; and
14 (iii) failure to grant the continuance would unreasonably deny
15 defendant continuity of counsel and would deny defense counsel the
16 reasonable time necessary for effective preparation, taking into
17 account the exercise of due diligence.

18 8. Nothing in this stipulation shall preclude a finding that
19 other provisions of the Speedy Trial Act dictate that additional time
20 periods be excluded from the period within which trial must commence.
21 Moreover, the same provisions and/or other provisions of the Speedy

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1 Trial Act may in the future authorize the exclusion of additional
2 time periods from the period within which trial must commence.

3 IT IS SO STIPULATED.

4 Dated: December 12, 2022

Respectfully submitted,

5 E. MARTIN ESTRADA
6 United States Attorney

7 SCOTT M. GARRINGER
8 Assistant United States Attorney
9 Chief, Criminal Division

10 /s/

11 MARK A. WILLIAMS
12 MATTHEW W. O'BRIEN
13 BRIAN FAERSTEIN
14 Assistant United States Attorneys


15 Attorneys for Plaintiff
16 UNITED STATES OF AMERICA

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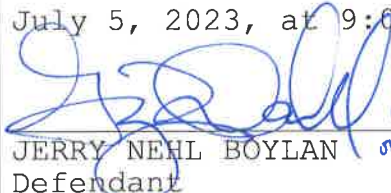
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1 I am Jerry Nehl Boylan's attorney. I have carefully discussed
 2 every part of this stipulation and the continuance of the trial date
 3 with my client. I have fully informed my client of his Speedy Trial
 4 rights. To my knowledge, my client understands those rights and
 5 agrees to waive them. I believe that my client's decision to give up
 6 the right to be brought to trial earlier than July 5, 2023, is an
 7 informed and voluntary one.

8 
 9 GEORGINA WAKEFIELD
 10 GABRIELA RIVERA
 11 JULIA DEIXLER
 Attorneys for Defendant
 12 JERRY NEHL BOYLAN

12/12/2022
 Date

13 I have read this stipulation and have carefully discussed it
 14 with my attorneys. I understand my Speedy Trial rights. I
 15 voluntarily agree to the continuance of the trial date, and give up
 16 my right to be brought to trial earlier than July 5, 2023. I
 17 understand that I will be ordered to appear in Courtroom 9D of the
 18 Federal Courthouse, 350 W. 1st Street, Los Angeles, California on
 19 July 5, 2023, at 9:00 a.m.

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 21 JERRY NEHL BOYLAN
 Defendant
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12/12/2022
 Date